

August 19, 2004

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
AUGUST 19, 2004

I. OPENING OF MEETING AT 9:05 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George E. Richards, Betty Bukraba, Raymond W. Ewell and Barbara J. Peterson, Commissioners; and Daniel Stralka, Andrew Barris and Leonard J. Sacks of the Commission staff.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 15, 2004

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD JULY 15, 2004.**

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging .....	154.....	5
Agriculture .....	649.....	18
Arts Council.....	20.....	1
Banks and Real Estate.....	254.....	8
Capitol Development Board .....	16.....	0
Central Management Services .....	1207.....	84
Children and Family Services.....	3512.....	41
Civil Service Commission .....	5.....	0
Commerce & Econ. Opportunity .....	504.....	59
Commerce Commission.....	58.....	0
Corrections.....	14,476.....	110
Criminal Justice Authority .....	73.....	3
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	13.....	1
Elections Board.....	53.....	1
Emergency Management Agency .....	110.....	2
Employment Security.....	2017.....	26
Environmental Protect. Agency .....	1160.....	12
Fin. & Prof. Regulation.....	902.....	22
Guardianship and Advocacy .....	111.....	6
Historic Preservation Agency .....	266.....	5
Human Rights Commission .....	12.....	2
Human Rights Department .....	150.....	7
Human Services .....	15,767.....	61
Industrial Commission.....	163.....	7
Insurance.....	319.....	8
Investment Board.....	4.....	1
Labor.....	79.....	7
Labor Relations Board Educational .....	16.....	2
Labor Relations Board Local .....	2.....	0
Labor Relations Board State .....	19.....	2
Law Enforce. Trng. & Standard Bd. ....	25.....	1
Medical District Comm.....	2.....	0
Military Affairs .....	147.....	3
Natural Resources .....	1954.....	28
Pollution Control Board.....	26.....	3
Prisoner Review Board .....	24.....	0
Property Tax Appeal Board .....	23.....	2
Public Aid .....	2375.....	21
Public Health.....	1154.....	27
Revenue .....	2185.....	51
State Fire Marshal.....	135.....	7
State Police .....	1547.....	7
State Police Merit Board.....	5.....	1
State Retirement System.....	80.....	1
Transportation.....	2989.....	1
Veterans Affairs.....	1181.....	3
<b>TOTALS .....</b>	<b>55,377.....</b>	<b>642</b>

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
  - 1. The Governor, or
  - 2. A departmental director or assistant director appointed by the Governor, or
  - 3. A board or commission appointed by the Governor, or
  - 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
  - 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
  - 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
  - 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
  - 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
  - 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
  - 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.
  - 4. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
  - 5. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

- Upon the Commission's receipt of a letter from OBRE, the exemption requests for Items C1-F6 were withdrawn.
- Regarding Item G, the Media Administrator position at CMS, Drew Barris noted that Ed Wynn and Marybeth Johnson spoke to the other Media Administrator positions at the last meeting but this position was continued because of uncertainty with the budget and the continuation of Opportunity Returns at DCEO. The Opportunity Returns program was included in the FY05 budget. Therefore, the Commission staff recommended exemption.
- The staff had questions regarding Items I1 and I2, the Policy Advisor positions at Public Aid. Specifically, the questions concerned the way the job descriptions were written, the existence of incumbents, and the representation of two separate prescription drug policies for Chicago and downstate Illinois. These positions were previously granted 4d(3) exemption at CMS. They have now been abolished, and reestablished at Public Aid. Two positions are required; one position is for the financial aspects of establishing prescription drug policy, the other position is needed for the pharmaceutical aspect of drug policy. Therefore, there is no overlap in the policy-making authority of the positions and the Commission staff recommended exemption.
- The Commission staff recommended continuation regarding the Lottery positions, Items J1 and J2, but recommended exemption regarding J3 and J4. The Commission had questions regarding the potential overlap in the policy-making responsibilities of all four positions. All of the positions address marketing, and there is an already existing 4d(3) exempt marketing position. In speaking with Lottery Superintendent Carolyn Adams and Deb Tumulty, it was explained that the very essence of Lottery's success is promoting the many products offered by Lottery. Lottery provided an updated organizational chart to reflect the current structure. Unlike other state agencies, Lottery's primary purpose is to generate revenue and the only way to do that is through intense marketing. That is why each individual position focuses on making policy with respect to each individual product and/or area of focus of each position, in much the same way a private corporation is required to divide marketing responsibilities as to each individual product it is trying to sell. Considering the huge revenues Lottery generates, \$1.7 billion, and, if made exempt, the 4d(3) positions still only comprise less than 5% of the Lottery workforce; it was determined that exemption is appropriate as it relates to Items J3 (Instant Game Product position) and J4 (Online Product position) but the Commission staff recommends a continuation until more information can be ascertained regarding J1 (Promotions position) and J2 (Events/Sponsorship position).

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

- The Commission staff had questions regarding the Placement Resources Unit Manager, Item N1. The Staff spoke to Jim Reinhart, Acting Manager of Personnel. Reinhart stated that the Department of Corrections is making the reduction of recidivism the highest priority. This position focuses on reducing this condition through the broad creation of statewide policy regarding the housing, drug treatment and counseling to offenders upon release from state prison to parole. Therefore, the staff recommended exemption.
- The Commission staff had questions regarding Item P, the Office of Health Protection, because the position description as submitted reflected that the position was primarily a line supervisor as opposed to a principal policy making position, despite the fact that the description included policy making responsibilities regarding the prevention of the spread of infectious diseases. After speaking to Mark Magill at CMS, we were informed that the position was primarily a policy making position, and the job description was re-written to reflect that. Therefore, the staff recommended exemption.

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY ADOPTED TO CONTINUE OR APPROVE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS IN ACCORDANCE WITH STAFF RECOMMENDATION:**

C. Requests for 4d(3) Exemption Withdrawn by the Office of Banks and Real Estate

**The following 4d(3) requests for exemption were withdrawn prior to the August 19, 2004 meeting.**

Position Title: Senior Public Service Administrator  
Position Number: 40070-50-92-301-00-01  
Division: Legal Division  
Incumbent: Michael D. Morehead  
Supervisor: SPSA (40070-50-92-300-00-01)  
Location: Sangamon County

Position Title: Senior Public Service Administrator  
Position Number: 40070-50-92-401-10-01  
Division: Legal Division  
Incumbent: Alan I. Anderson  
Supervisor: SPSA (40070-50-92-40-00-01)  
Location: Cook County

Position Title: Senior Public Service Administrator  
Position Number: 40070-50-92-230-00-01  
Division: Fiscal Division  
Incumbent: Linda C. Harrod  
Supervisor: SPSA (40070-50-92-200-00-01)  
Location: Sangamon County

Position Title: Senior Public Service Administrator  
Position Number: 40070-50-92-002-00-01  
Division: Commissioner's Office  
Incumbent: Steven D. Ginsburg  
Supervisor: Commissioner  
Location: Cook County

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

Position Title: Senior Public Service Administrator  
Position Number: 40070-50-92-303-00-01  
Division: Specialized Activities Supervision Division  
Incumbent: Vacant (40070-50-92-300-00-01)  
Supervisor: SPSA (40070-50-92-300-00-01)  
Location: Sangamon County

Position Title: Senior Public Service Administrator  
Position Number: 40070-50-92-304-00-01  
Division: Springfield Commercial Bank Supervision Division  
Incumbent: Marc A. Edwards  
Supervisor: SPSA (40070-50-92-300-00-01)  
Location: Sangamon County

Position Title: Senior Public Service Administrator  
Position Number: 40070-50-92-305-00-01  
Division: Chicago Commercial Bank Supervision Division  
Incumbent: Richard C. Brunskill  
Supervisor: SPSA (40070-50-92-300-00-01)  
Location: Cook County

Position Title: Senior Public Service Administrator  
Position Number: 40070-50-92-306-00-01  
Division: International Bank Supervision Division  
Incumbent: Craig S. Volk  
Supervisor: SPSA (40070-50-92-300-00-01)  
Location: Cook County

Position Title: Senior Public Service Administrator  
Position Number: 40070-50-92-403-00-01  
Division: Thrifts Division  
Incumbent: James R. Copley  
Supervisor: SPSA (40070-50-92-400-00-01)  
Location: Cook County

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

Position Title: Senior Public Service Administrator  
Position Number: 40070-50-92-404-00-01  
Division: Mortgage Banking Division  
Incumbent: Arleatha H. Kelly  
Supervisor: SPSA (40070-50-92-400-00-01)  
Location: Cook County

**D. Requests for 4d(3) Exemption Continued by the Commission**

**The following 4d(3) requests for exemption were continued at the August 19, 2004 meeting until the September 16, 2004 meeting:**

Agency: Environmental Protection Agency  
Position Title: Senior Public Service Administrator  
Position Number: 40070-46-00-000-00-07  
Division: Director's Office  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook County

Agency: Department of Revenue  
Position Title: Senior Public Service Administrator  
Position Number: 40070-25-94-200-00-01  
Division: Lottery-Promotions Office  
Incumbent: Vacant  
Supervisor: Lottery Superintendent  
Location: Cook County

Agency: Department of Revenue  
Position Title: Senior Public Service Administrator  
Position Number: 40070-25-90-200-10-01  
Division: Lottery-Events/Sponsorship Office  
Incumbent: Vacant  
Supervisor: Lottery Superintendent  
Location: Cook County

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

Agency: Department of Natural Resources  
Position Title: Senior Public Service Administrator  
Position Number: 40070-12-00-300-00-01  
Division: Director's Office  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook County

Agency: Department of Agriculture  
Position Title: Senior Public Service Administrator  
Position Number: 40070-11-01-000-00-02  
Division: Director's Office  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon County

E. Requests for 4d(3) Exemption Approved by the Commission

**The following 4d(3) requests for exemption were approved at the August 19, 2004 meeting:**

Agency: Central Management Services  
Position Title: Senior Public Service Administrator  
Position Number: 40070-37-80-000-19-01  
Bureau/Division: Illinois Office of Communication and Information  
Incumbent: Vacant  
Supervisor: Deputy Director of the Illinois Office of Communication and Information  
Location: Cook County

Agency: Department of Public Aid  
Position Title: Senior Public Service Administrator  
Position Number: 40070-33-00-060-00-21  
Division: Office of the Director  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook County

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

Agency: Department of Revenue  
Position Title: Senior Public Service Administrator  
Position Number: 40070-25-90-200-30-01  
Division: Lottery-Instant Game Product Office  
Incumbent: Vacant  
Supervisor: Lottery Superintendent  
Location: Cook County

Agency: Department of Revenue  
Position Title: Senior Public Service Administrator  
Position Number: 40070-25-90-200-40-01  
Division: Lottery-On-Line Product Office  
Incumbent: Vacant  
Supervisor: Lottery Superintendent  
Location: Cook County

Agency: Environmental Protection Agency  
Position Title: Senior Public Service Administrator  
Position Number: 40070-46-25-300-00-01  
Division: Deputy Director's Office  
Incumbent: Charles Bennett  
Supervisor: Deputy Director 40070-46-10-000-00-01  
Location: Sangamon County

Agency: Department of Corrections  
Position Title: Senior Public Service Administrator  
Position Number: 40070-29-00-500-00-01  
Division: Director's Office/Placement Resources  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook

Agency: Department of Corrections  
Position Title: Senior Public Service Administrator  
Position Number: 40070-29-00-600-00-01  
Division: Director's Office/Personnel  
Incumbent: Vacant  
Supervisor: Director  
Location: Sangamon

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

Agency: Commerce & Economic Development  
Position Title: Senior Public Service Administrator  
Position Number: 40070-42-00-010-00-01  
Division: Director's Office  
Incumbent: Vacant  
Supervisor: Director  
Location: Cook County

Agency: Commerce & Economic Development  
Position Title: Senior Public Service Administrator  
Position Number: 40070-20-50-000-00-01  
Division: Office of Health Protection  
Incumbent: Vacant  
Supervisor: Director of the Department of Public Health  
Location: Sangamon County

V. MOTION TO GO INTO EXECUTIVE SESSION

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION.**

VI. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Chicago, Illinois at 9:42 a.m.

Present: Chris Kolker, Chairman; George E. Richards, Betty Bukraba, Raymond W. Ewell and Barbara J. Peterson, Commissioners; and Daniel Stralka, Andrew Barris and Leonard F. Sacks of the Commission staff.

VII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services consecutive non-merit report as of July 31, 2004.

	<u>6/30/04</u>	<u>7/31/04</u>
Agriculture	9	8
Central Management Services	13	8
Children & Family Services	8	6
Comm. & Econ. Opportunity	2	2
Emergency Management Agency	1	1
Environmental Protection	2	2
Historic Preservation	27	34
Human Rights.	1	1
Natural Resources	56	51
Public Aid	4	4
Revenue	2	0
State Retirement Systems	1	0
Transportation	1	3
Totals	127	120

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VIII. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

• **DISCHARGE**

**DA-93-04**

Respondent	Dion P. Butler	Appeal Date	5/03/04
Agency	IDOT	Decision Date	8/05/04
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge	Third Failure to Answer Snow and Ice Call-out.	Recommended Decision	Charges Proven; Discharge Upheld.

**IT WAS MOVED BY COMMISSIONER BUKRABA, SECONDED BY COMMISSIONER RICHARDS AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO REJECT THE RECOMMENDED DECISION AND REMAND IT TO THE ADMINISTRATIVE LAW JUDGE FOR THE PURPOSE OF FURTHER PROCEEDINGS INCLUDING THE TAKING OF ADDITIONAL EVIDENCE.**

IX. APPEALS TERMINATED WITHOUT DECISION

• **DISMISSAL**

**DA-81-04**

Respondent	Adelin C. Hoskins	Appeal Date	1/27/04
Agency	Public Aid	Decision Date	7/22/04
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge	Inappropriate Behavior; Failing/Refusing to Follow Department Policy or Supervisory Instructions.	Recommended Decision	Settlement Agreement and General Release Signed By All Parties. ALJ Recommends Dismissal.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE STAFF RECOMMENDATION THAT THE APPEAL OF THE RESPONDENT BE DISMISSED.**

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X. STAFF REPORT

Ethics training for staff and Commissioners will take place between September 9 – October 8, 2004. It is an internet-based program consisting of a 1 hour training session with a 10 question quiz.

Staff has solicited and attended three vendor presentations for replacing the existing copier. Executive Director Daniel Stralka outlined the capabilities staff are seeking in a new copier and how it will result in productivity improvements in the office.

Sandy is preparing a spending plan for the new fiscal year to reflect the 4% across-the-board reduction in the FY05 budget.

Drew Barris presented the Commissioners with a proposed change in format for presenting 4d(3) exemption requests on agendas. The Commissioners approved the format change.

Proposed 2005 meeting dates were presented to the Commissioners for consideration. Discussion regarding the Springfield dates was had. At the Chairman's direction, current Commission Rule language regarding the locations of meetings will be considered for amendment.

Business cards for executive staff and the Commissioners were considered. Samples will be considered at the next meeting.

Staff reported that GAAP report documents were submitted to the Comptroller.

Drew Barris reported that PAP report indicators were reviewed and revised for the comptroller.

The BEP compliance plan was being formulated for FY05.

The Annual Affirmative Action Report was submitted to the Department of Human Rights.

Drew Barris will represent the Commission at the September 15, 2004 ICED anniversary forum.

XI. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, September 16, 2004 at 9:00 a.m. in the Commission's Chicago Office.

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XII. MOTION TO ADJOURN.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 10:05 A.M.**